

REMARKS**Rejections Under 35 USC §103(a)**

Claims 18 and 22 stand rejected under 35 USC §103(a) as being unpatentable over **Paglia et al. (1996)** in view of U.S. **Patent 6,232,456**. This rejection is respectfully traversed.

The Examiner contends that **Paglia et al.** teach priming of an immune response against a major histocompatibility complex class I-restricted antigen by utilizing dendritic cells for presentation of tumor-associated antigens, and U.S. **Patent 6,232,456** teaches a serine protease fragment which is the same as hepsin peptide SEQ ID NO. 28 and 148 disclosed herein. Applicant submits that U.S. **Patent 6,232,456** does not teach the same hepsin peptide as disclosed herein because U.S. **Patent 6,232,456** only teaches a 17 amino acids-long hepsin peptide. U.S. **Patent 6,232,456** does not teach any 9 amino acids-long hepsin peptide as claimed herein.

The Examiner contends that in view of the open language “hepsin fragment having the sequence of”, the prior art continues to read on the claims. Applicant submits that claim 18 has been amended to recite “hepsin fragment consisting of the amino acid

sequence of SEQ ID NO. 28 or 148". Applicant submits that the amended claim 18 no longer reads on prior art.

In view of the above remarks, the combined teaching of Paglia et al. and U.S. Patent 6,232,456 only provides a person having ordinary skill in this art with the motivation to use a 17 amino acids-long hepsin peptide. Paglia et al. and U.S. Patent 6,232,456 do not provide one of ordinary skill in this art with the motivation to use a 9 amino acids-long hepsin peptide as disclosed herein. Hence, the invention as a whole is not *prima facie* obvious to one of ordinary skill in the art at the time the invention was made. Accordingly, Applicant respectfully requests that the rejection of claims 18 and 22 under 35 U.S.C. §103(a) be withdrawn.

Double Patenting

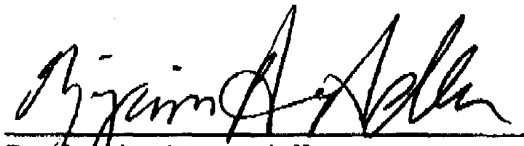
Claims 18 and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-23 of copending Application No. 10/102,283. Applicant hereby submits a terminal disclaimer to obviate the provisional rejection.

This is intended to be a complete response to the Final Office Action mailed March 19, 2004. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution.

Respectfully submitted,

Date:

April 4, 2004



Benjamin Aaron Adler, Ph.D., J.D.

Registration No. 35,423

Counsel for Applicant

ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391 (tel.)
(713) 270-5361 (facs.)
badler1@houston.rr.com